

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 10-13-6-8 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The
- 5 superintendent may establish a data base of DNA identification records
- 6 of:
- 7 (1) convicted criminals;
- 8 (2) crime scene specimens;
- 9 (3) unidentified missing persons; and
- 10 (4) close biological relatives of missing persons.
- 11 (b) The superintendent shall maintain the Indiana DNA data base.
- 12 (c) The superintendent may contract for services to perform DNA
- 13 analysis of convicted offenders under section 10 of this chapter to assist
- 14 federal, state, and local criminal justice and law enforcement agencies
- 15 in the putative identification, detection, or exclusion of individuals who
- 16 are subjects of an investigation or prosecution of a sex offense, a
- 17 violent crime, or another crime in which biological evidence is
- 18 recovered from the crime scene.
- 19 (d) The superintendent shall adopt rules under IC 4-22-2 necessary
- 20 to administer and enforce the provisions and intent of this chapter.
- 21 **(e) The detention, arrest, or conviction of a person based on a**
- 22 **data base match or data base information is not invalidated if a**
- 23 **court determines that the DNA sample was obtained or placed in**
- 24 **the Indiana DNA data base by mistake.**
- 25 SECTION 2. IC 10-13-6-10 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) This section

1 applies to the following:

2 (1) A person convicted of a felony under IC 35-42 (offenses  
3 against the person) **or** IC 35-43-2-1 (burglary): ~~or IC 35-42-4-6~~  
4 ~~(child solicitation):~~

5 (A) after June 30, 1996, whether or not the person is  
6 sentenced to a term of imprisonment; ~~and or~~

7 (B) before July 1, 1996, if the person is held in jail or prison  
8 on or after July 1, 1996.

9 (2) A person convicted of a criminal law in effect before October  
10 1, 1977, that penalized an act substantially similar to a felony  
11 described in IC 35-42 or IC 35-43-2-1 or that would have been  
12 an included offense of a felony described in IC 35-42 or  
13 IC 35-43-2-1 if the felony had been in effect:

14 (A) after June 30, 1998, whether or not the person is  
15 sentenced to a term of imprisonment; ~~and or~~

16 (B) before July 1, 1998, if the person is held in jail or prison  
17 on or after July 1, 1998.

18 **(3) A person convicted of a felony, conspiracy to commit a**  
19 **felony, or attempt to commit a felony:**

20 **(A) after June 30, 2005, whether or not the person is**  
21 **sentenced to a term of imprisonment; or**

22 **(B) before July 1, 2005, if the person is held in jail or**  
23 **prison on or after July 1, 2005.**

24 (b) A person described in subsection (a) shall provide a DNA  
25 sample to the:

26 (1) department of correction or the designee of the department of  
27 correction if the offender is committed to the department of  
28 correction; or

29 (2) county sheriff or the designee of the county sheriff if the  
30 offender is held in a county jail or other county penal facility,  
31 placed in a community corrections program (as defined in  
32 IC 35-38-2.6-2), or placed on probation.

33 A ~~convicted~~ person is not required to submit a blood sample if doing so  
34 would present a substantial and an unreasonable risk to the person's  
35 health.

(Reference is to SB 13 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Judiciary.**

GARTON

Chairperson